



PATENT
02581-P0588B WWW/MWK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Joseph H. Sklar
Serial No. 09/612,055	Filing Date: July 7, 2000
Title of Application:	Ligament Shim
Confirmation No. 6809	Art Unit: 3732
Examiner	Melba N. Bumgarner

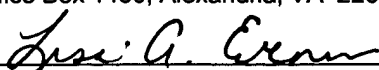
Mail Stop RCE
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT ACCOMPANYING RCE

This Preliminary Amendment is being filed in conjunction with a Request for Continued Examination and is in response to the outstanding Final Office Action mailed June 2, 2004. A Petition for Three Months Time Extension to respond to the outstanding Final Office Action is also included as well as a check covering the appropriate fees. Applicant believes that no further fee is due in connection with the filing of this Response. However, if any further fee is due please charge Deposit Account No. 19-4516. Finally, Applicant previously filed a Response to Final Official Action of June 2, 2004 within the shortened statutory period for reply on August 2, 2004, which appears to be lost in the mail. Accordingly, Applicant filed a first reply within TWO months of the mailing date of the final office action. Hence, Applicant is separately filing a petition requesting refund of all fees associated with this RCE filing, i.e. \$1770 plus petition fee.

Mailing Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Box RCE, Commissioner for Patents and Trademarks; Post Office Box 1450; Alexandria, VA 22313-1450.

November 12, 2004



Lisa A. Evensen